

# Not For Kids Only: A History of Surveillance Through Comic Book Images

Gary T. Marx

I am here to fight for truth, justice  
and the American way.

—Superman 1978

It's too bad for us "literary" enthusiasts,  
but it's the truth nevertheless—pictures  
tell any story more effectively than words.

—W. M. Moulton (creator of  
*Wonder Woman*, and pioneer  
polygrapher)

In Guernica Picasso expresses the tragedy that is taking  
place without showing piles of bloody flesh. The important  
thing in art is after all to transpose reality into an  
image which is sufficiently enthralling and meaningful so  
that the viewer gets an even better grasp of that reality.

—Jacques Ellul<sup>1</sup>

*Gary T. Marx received his PhD from the University of California, Berkeley. He has held positions there and at Harvard and the University of Colorado. He is Professor Emeritus MIT and the author of Protest and Prejudice (1967); Undercover: Police Surveillance in America (1988); Undercover: Police Surveillance in Comparative Perspective (with C.J. Fijnaut 1995); Windows into the Soul: Surveillance and Society in an Age of High Technology (2017) and articles in the scholarly and popular press. He is rooted in the sociology of knowledge and in the centrality of reflexivity, but with the firm conviction that there are transcendent truths to pursue and fight for. Figuring them out is what it is all about.*

Additional information is at [www.garymarx.net](http://www.garymarx.net) .

**Ivan Greenberg**, illustrated by Everett Patterson and Joseph Canias, forward by Ralph Nader: *The Machine Never Blinks A Graphic History of Spying and Surveillance* Fantagraphics, Seattle, Wa., 2020, 132 p., \$22.99

I grew up with Classic Comic Books and might even have used them as a cheat sheet for books I was supposed to have read. However now, as an academic member of the too often smug, elitist, chattering and scribbling strata, I am no longer a fan. Yet times change and communication comes in many forms. Younger persons so fed on (although

1 *International Journal of Intelligence and Counterintelligence*, forthcoming

not fed up with) music videos, video games, TikTok, Instagram, YouTube and super hero films may feel a visceral connection with, and welcome, the rapid shifts, minimalist dialogue and images of the comic book. Why read Foucault if you can go to the pictures? Better still, why not do both?

The scholar, attuned to subtly and nuance, studies complex, complicated (sometimes even contradictory) developments in surveillance with literature reviews, high flouting concepts and sophisticated methods and theories to document, explain and advise. The scriptocentric reviewer of a graphic book labeled an "eye opening manifesto" is challenged. The usual standards (e.g., sample size, choice of appropriate method, hypotheses, and criteria that would permit others to judge the claims made) are hard to apply to a graphic book. Nor are there other graphic novels on the topic to compare it to, even if the reviewer had credentialed warrant to judge such work as art or literature.

How does the reviewer whose tools and judgments involve analyzing words, respond to a publication based on images?—With trepidation and some difficulty! None-the-less, this is the easiest book to "read" (or better to look at) of any I have reviewed, including a dictionary.<sup>2</sup> The book's pictures are the spoonful of sugar that, in one sense, painlessly deliver—making tragic events graspable, if hardly funny. Still, given the deep power of humor to reveal, a remark by George Orwell applies, "Every joke is a small revolution".

Ivan Greenberg has a PhD from the CUNY Graduate Center. He is a historian of surveillance and civil liberties who has made critical use of declassified documents in writing two previous books and many articles.<sup>3</sup> (This book compresses an enormous amount of information into 131 pages. In this book, while drawing from his academic inquiries, he seeks not to advance knowledge, but to educate citizens on the history and current omnipresence, and, depending on your alarm level, creeping or galloping omnipotence of the watchers in a surveillance society. As a manifesto the book addresses abuses and risks, not the multiple goals and contexts of surveillance, or the ways it can be used for positive social goals.

The book is narrated by Izzy Stone, a respectful reference to I.F. Stone the investigative journalist who for decades documented violations of civil liberties and civil and rights. Two themes predominate—repression of dissent since the Civil War and a catalogue of contemporary new surveillance tools. The focus is on abuses of government spying and, in addition, the book illustrates new surveillance tools in routine use in criminal justice, commerce, employment and among family and friends (and potential friends).

The tools vary from the tiny "Nano Hummingbird" drone for spying to computer programs capable of instantaneously searching billions of records. There is no mention of 'snakebots' that can slither under doors, nor of smart dust, micro motes or cyborg beetles (live insects) that can portage cameras and other sensors.<sup>4</sup> But with the abundance of sense-extending tools illustrated here, only the most compulsive of catalogers would notice, or care about what is not shown. For much of the book the tools illustrate

government efforts to control perceived enemies. Yet the themes also stand alone as with sections on low-tech policing of slaves, voyeurs and RFID chips attached to everything, including dogs. The latter go far beyond policing dissent and reflect the surveillance society we have become.

In his introduction Ralph Nader writes, "I believe that graphic novels can lead the way to inform, and transform, the public's understanding of the perils of living in a surveilled world". As an early victim of corporate spying and provocation, Nader experientially, as well as intellectually, knows the perils. Given Nader's third party run for president in 2000 that likely helped elect George W. Bush, some readers may note the irony of Nader's introduction to a book that reports on Bush's surveillance supporting roles (permitting NSA to expand the monitoring reported by Snowden and some of the less lovely provisions of the Patriot Act that loosened the standards for FBI searches and permitted gag orders).

The book pictures an ever expanding tool kit of hi-tech, new surveillance means that break borders previously protective of personal and organizational information—whether such borders involve space, time (the past and the future), distance, darkness, skin, and walls, or the limits and protections of our senses and minds (including the ability to deceive and withhold). The respect of such borders is vital to democracy and civil liberties, the dignity of persons and the functioning of organizations.

A compact illustration and listing of surveillance technology abuses over the last two centuries is provided. The book begins in seeing surveillance as a key aspect of human existence. That is also true for all other organisms. Non-human animals, birds and plants also use it to protect their borders and cross those of others. To set the stage, a few examples are offered from the Bible, the Greek's Trojan Horse and Peeping/Peeking Tom of the 11th century. These lack the moral gravitas of the rest of the book. The first two involve examples of military reconnaissance and the latter of the exhibitionist, Lady Godiva who voluntarily undertook her ride. They differ markedly from the surveillance abuses otherwise noted in the book.

Most of the book is more modern, with vignettes covering topics such as the red scares of WWI, the Palmer Raids and the Alien and Sedition laws; the cold war; the House Un-American Activities Committee; the CIA (Operation CHAOS) and NSA; COINTEL and spying on 1960s protests; Iran-Contra; black bag jobs; the war on terror; Occupy Wall Street; image, location, and social media monitoring; and an imagined conversation between George Orwell and Michel Foucault.

We are offered a veritable "who's who" of those who, with their self-serving, disingenuous rhetoric and actions make "America safe for hypocrisy" (in Thomas Wolfe's words). The list includes: J. Edgar Hoover, Clyde Tolson, John Wayne, Joseph McCarthy, Richard Nixon, sociology undergraduate major and informer Ronald Reagan, George W. Bush, James Clapper and the Total Information Awareness (TIA) program. The latter's sanitized replacement—Terrorism Information Awareness (also TIA) is not mentioned, although the XKeyscore program for searches of online behavior, the

ICREACH program for metadata searches, Diskfire and Mobile Surge for cell phone monitoring and the FBI's IDW (Investigative Data Warehouse) are mentioned.

Other images are of well known persons and groups victimized by surveillance as the U.S. industrialized, modernized and post-modernized. Those with cameo roles include Eugene V. Debs, Emma Goldman, Martin Luther King, Malcolm X and the labor, civil rights, anti-war, student, gay, feminist, environmental, animal rights and economic justice movements.

Those showing varying degrees and kinds of opposition are also shown in sketchy (sic.) form—CIA critic John McCain, Edward Snowden, James Comey and even Ted Kacynski.<sup>5</sup> Some of the intellectual godfathers (they were all men) of contemporary attitudes have walk-on roles. These include Jeremy Bentham with his Panopticon and Henry Ford with his precision monitoring of workers. Even God, as the original legitimator, has a role. His "surveilling gaze makes all things visible—and a thing to be completely accepted...and even asked for through prayer"(p. 15).

I particularly liked the imagined conversation in Paris between an aging George Orwell and Michel Foucault as a young man in about 1950. This nifty device illustrates the educational potential of such a book, particularly for contemporary students who are so visually oriented and attuned to snappy, rap dialogue. Orwell explains his basic view inspired by the experiences of the USSR and Germany, with an emphasis on government controlling information and watching under the constant threat of violence. Foucault then offers his perspective in response to Orwell's *1984* book.

Foucault encourages Orwell to consider power in everyday life exercised apart from government. Disciplinary mechanisms are used to socialize, channel and train individuals. Such power is extended beyond the traditional political enemies of the state to workers, students, and "the mad, vagrants, prostitutes, blasphemers and orphans which government sorts and segregates for the so-called "protection" of society". (p.74) To which we might add customers, and children as well.

If I might jump into their conversation with some remote séance conferencing, there is much I would like to say to both. For Orwell this would involve discussing the way things did *not* fully develop as he imagined they *could* (not *would* contrary to the common understandings). For Foucault it would involve a broadening of contexts, users and goals for surveillance.

"George, the news is not all bad. By some conventional measures, the trend is away from the society you imagined (e.g., with respect to factors such as literacy, the availability of independent communication tools, human rights, and the vibrancy of civil society). In addition, forms of control have softened.<sup>6</sup> While coercion and violence remain significant factors in social organization, softer, more manipulative, engineered, connected, and embedded forms of lower visibility have infiltrated our world. These are presumed to offer greater effectiveness and legitimacy than social control as a boot on the human face."<sup>7</sup>

"Yes George, your book made us familiar with the all-powerful, repressive state. Yet, in calling attention to Big Brother, you ignored the potential threats from non-state actors, whether organizations or individuals. Note also that private interests might capture the state and there is continuous border-blurring and exchanges between the private and government sectors. You were brilliant and give new meaning to the term prescient, but hey, this is the twenty-first century (we have been to the moon and back and you never even rode in an airplane). So it is not surprising that there were things you did not see."

As well, there would be a lot to say over a glass of wine in an imagined conversation with Foucault, who offers no examples beyond 1836 (no computers, biometric measures, or artificial intelligence).

"Vieux ami, why do you give a subversive, even conspiratorial twist to the hallowed ideals of the Renaissance and the Enlightenment regarding the consequences of seeking truth and social betterment? Sure, knowledge as a key resource is disproportionately available to the more powerful and the tools become better over time. But do you have a theory about why efficiency, hierarchy and a division of labor with unequal resources for getting a job done, or rewards for superior performance, are necessarily undesirable?"

"Consider as well the major upheavals supportive of a more democratic society that occurred with the invention of the printing press and the spread of literacy. Knowledge has that wonderful potential of not being diluted when it is shared. The visibility surveillance offers can contribute to responsible behavior. Yes, the watching you told George Orwell about accustoms subjects to new organizational forms and results in habituated self-surveillance. But is that necessarily bad? The idea of conscience was not invented by industrialization."

"Can you tell us how to anchor, or convincingly communicate, the values that are threatened? What's wrong with utilitarianism, given scarcity of resources and the abject misery of most of human existence under the sway of traditions that could not be questioned? Oh, that we could bring Jacques Elull or Eric Fromm into this conversation."

"Your empirical documentation well illustrates your arguments and is a credit to the French academy and your historiographic technique. But as they say, *"far bayshpil iz nit dervayz* (for instance is not proof). We need to move beyond argument by example to a more systematic approach and to give greater attention to surveillance topics beyond the control of superordinates in hierarchical organizations."

"Consider for example that you focus on the watchers who are directly carrying out, (using the map of a contemporary theorist), *internal constituency, non-reciprocated, rule-based, organizational surveillance of individuals on behalf of the organization's goals*. But there are other kinds that need to be understood such as organizational surveillance for more benign ends, inter-organizational surveillance, and the non-organizational surveillance by individuals of each other. Surveillance may serve parallel

or shared goals of the individual as well as the organization. It may be initiated by the individual and used against an organization. It may focus on rule-based standards involving kinds of behavior, or it may involve social, psychological, and physiological characteristics used to classify persons—to favor as well as to disfavor them."

"Your countryman Napoleon, who some see as the patron saint of benign surveillance, introduced the census. Yes, documenting identity was useful for the broad "ordering" of society involving conscription, taxes and border and crime control, but it also embodied the idea of citizenship and individual rights. Later, the improved capacity to identify persons through population registries allowed for the mass distribution of welfare benefits and voting and travel rights and (in some countries at least) better tracking and control of pandemics."

"One minor quibble, you are quoted (p.32) as believing that '*visible is vulnerable*'. *Bien sur!* But isn't that very quality of surveillance *to make visible* also a strength for a democratic and decent society? Note the marked difference in documenting and acting upon police abuses following the appearance of cell phone and police worn video cameras."<sup>8</sup>

"Isn't it possible that *not visible* under the guise of malevolent secrecy, lying, or privacy protections (now in the U.S. even extended to corporations as 'persons') can hide what *should* be visible? Would you agree that we can also say, '*visible is accountable*'? Just who is vulnerable to visibility and in what ways? Note the assumptions tied to freedom of information and disclosure acts". Why were new communication tools welcomed as "technologies of freedom" during the cold war?<sup>9</sup>

"Justice Brandeis' nailed it with his statement that, 'sun light is the best disinfectant'.<sup>10</sup> There we see accountability tied to visibility. That is not to deny that sun light can also burn and cast shadows. Yet, fighting fire with fire is hardly an ideal solution. Is there a way for persons, groups and government to behave responsibly and fairly without resorting to the fear of being caught by surveillance?"

"Rather than the reviled *panopticon* or the *utopicon* welcomed by the technophiles, perhaps we need the *perhapsicon*. Also, in keeping with the times, all that red wine isn't healthy, why don't you try a joint?"

#### Using This Graphic Novel in the Classroom

After brief mention of a few of the interesting facts the book offers, I turn next to questions the book raised for me and thoughts on how it could be useful in teaching.

Among some of the facts the book mentions that are likely to be known only to the cognizant:

—London dwellers are captured on CCTV at least 300 times a day. ( p. 112)

—A small robotic drone (the Nano Hummingbird) comes with cameras and sensors and looks very much like the real thing. It weighs less than an AA battery and has a wing span of 6 inches. What is more, “they can swarm—as many as fifteen birds flying in synchronized formation to watch everything in their path!” (p. 127)

—the venerable, polymorphic Jeremy Bentham failed to have his supposedly scientific Panopticon prison built. But per his request, his desire to have his body dissected as part of a public anatomy lecture was honored. Following the dissection his preserved skeleton and head were put on public display in an "Auto-icon". (p.24)

Ever a believer in visibility to expose what is beneath, even in death and perpetuity, Bentham willed that his body be dissected for medical science. He further directed that, “...his skeleton and mummified head be dressed in his clothes and hat, positioned with his chair and staff ‘in the attitude in which I am sitting when engaged in thought,’ and placed within ‘an appropriate box or case’ for viewing”.<sup>11</sup>This is still on display (Figure 1), although with a wax version of his head –the degraded mummified version deemed too shocking for viewers) at University College, London.

Here we see the eternal *surveillance doubling* of the vigilant individual looking *out*, but also, as a social being, wanting to be looked *at*. He had previously written a pre-Facebook pamphlet *Auto-Icon; or, Farther Uses of the Dead to the Living*, in which he advocated, on utilitarian grounds, the practice of becoming one’s own icon (thus “auto-icon”). He saw this as a better way to remember people because “identity is preferable to similitude”. That is a point those hurt by the appearance of data doubles (Haggerty and Ericson 2000) know well, although one that would be disputed by identity thieves.

Figure 1 The Similitude of Jeremy Bentham’s Being



In considering the *Panopticon*, Greenberg writes "*remarkably*, [italics added] Bentham believed his ideas were an improvement over what had come before. After all, the all-seeing watchman did not employ physical violence. He did not feed prisoners to the lion or hang men from gallows, as previous historical regimes had allowed" (p. 29).

Why is this remarkable? Are new, less physically violent forms of control really no better because they too reflect power over the subject? Is the end goal of control all that matters, not the means by which it is obtained? Are soft and hard means of control morally equivalent? Either way, the big guys disproportionately have the resources for their own ends, but are all forms of control equal? Is the lesser of two evils simply, as journalist Paul Jacobs once said, "A less virulent form of rat poison?"<sup>12</sup>

The comic image has the literal potential to make the good guys *look* good and the bad guys *look* bad. In spite of the passion inspiring the volume, it does not stoop to drawings that show the victimized subjects as handsome or beautiful upright figures in sunlight and the victimizing agents as shadowy men with scowling, contorted faces needing a shave. There are CARICATURES and caricatures.

Some protestors show the dogmatic certainty of Hoffer's *true believer*.<sup>13</sup> Some agents show the authoritarianism of a rigid law and order perspective and hold the American conspiratorial view documented by Hofstadter.<sup>14</sup> Both may share the view that "what ever it takes" is acceptable to get the job done and that extremely important goals that cannot otherwise be fully achieved, justify extreme means. Yet in my experience across decades of experiences with both types, such views today hardly characterize all, or even most, protestors or control agents.

In a few places the images are accompanied by sweeping stereotypic language. Broad statements are made about the malevolent actions and goals of "law enforcement and national security", while protestors are characterized as well meaning, principled victims responding to injustice.

This nuance-deficient, short handing of the significant variation found within both the forces of order and challengers, advances a point of view, but not knowledge. Granted, however that the book's authors are in a different game—that of explicit advocacy. Manifesters seek to make their most persuasive case.

### Muddling Through Amidst the Tensions

The contradictions of surveillance require acknowledging it's inherently indeterminate nature and the importance of context in making judgments and setting policies. Responding as a scholar, I view surveillance as neither good nor bad, absent consideration of the ways that context and comportment make it so.<sup>15</sup>

Yet in a polarized world rampant with problems, that neutrality often feels uncomfortable. There is a pull between commitment to empirical and logical truths, as



against messaging to advance a cause one feels strongly about. Appreciating the role rhetorical excess can play in moving people to act, while also valuing rhetorical modesty and honesty in wanting actions to be guided by reason, evidence and civility creates discomfort and ambivalence.<sup>16</sup>

The discomfort can be experienced intellectually as one reflects on the potential tensions in any authority structure; the connections between what is taken as knowledge and power; complex undertakings; and on the limits of over-sold scientific knowledge which can tell us how to do something, but not whether or not it should be done. Awareness of the various limits to truth, including perception and subjectivity, cultural blindness or shadings, methods chosen and the unlikelihood of a science of values, adds to the difficulties. Whatever the limits, the truth seeking, empirical scholar starting with questions rather than answers, contrasts with those guided by abstract ideology who start with answers not questions.

The emotional pulls can create an uncomfortable ambivalence. One response involves a division of labor, be a scholar with norms of objectivity in your research and let partisans advocate for their positions drawing on your work. Or, muddle through with a schizoid response, moving back and forth between your role as a researcher and a citizen, or do both, but at different periods of life. The tensions may be particularly acute when one tries to be both a researcher and an activist at the same time.

On balance, the book is fair, and fact-based, in the recurrent pattern of named abuses it illustrates. However, a manifesto will be more convincing if it anticipates, and counters, likely critical responses. To fail to do that makes it easier for those who should hear the message to dismiss it. A good defense paves the way for a better offence. Because the book has so much information, an appendix with tables listing both the form and content of abuses and threats would help the viewer summarize the facts. While charts and lists that systematize are out of keeping with the direct spirit of the unmediated visual, hiding them in an appendix offers some protection.

Below, I note places where the manifesto would be stronger with some qualification and elaboration. These minor housekeeping issues, if minded, would bolster the book's claims and help researchers and students see a fuller context and broader meanings:

1) Better references for identified speakers (McCain) or for documentation that a statement is false and a lie (Clapper and Alexander below):

John McCain is shown speaking but without any quotation marks. In this, and similar cases, do we have a direct quote, a composite paraphrase, or words imagined by the book's author?

James Clapper director of national intelligence told Congress the NSA did not in any way spy on Americans. The statement was false." (p. 86)

NSA director General Keith Alexander claimed that phone data it had "...helped foil more than fifty terrorist plots around the world. Another lie." (p.86)

2) Identify unidentified speakers:

"...The FBI, DHS, NSA ...they all have their own intel operations harvesting social media, and they share information with each other. Government agents don't need a legal warrant to do this." (p. 119)

Statements are shown within a comic speaker's bubble, but with no hint of where they came from, or who is speaking beyond a generic control agent or protester. An opening statement telling the reader that such statements reflect (in the author's view) widely held opinions among the social type speaking such as police, intelligence analysts, protesters, or observing citizens would be helpful. However, that might detract from the lighter quality of the comic book genre.

With respect to the substance of the statement, certainly there are dangers in the indiscriminate sharing of personal information among government organizations. But there are also dangers in failing to share information. The abuses of the 1960s led to restrictions on information sharing between the FBI and the CIA that have been noted to be factors in the failure to prevent 9/11.

3) Some statements seem in error, or at least require elaboration and acknowledgement of the Rorschach quality of the tea leaves:

"It has never been as bad as it is right now." (p.1)

"Before 9/11, privacy rights were being advanced. Now things have fallen apart and the lives of ordinary people face increased scrutiny." (p.99)

Regarding the first statement, just what is the "it"? What are the various components of "bad"? What is the incidence and prevalence of abuses in various time periods and settings? Does the bad apple eventually spoil the barrel? Is the barrel itself rotten? Are all barrels equally corrupted? Are the abuses documented against the law? Unregulated by it, or consistent with bad laws?

Regarding the second statement, before and *after* 9/11, the picture has been decidedly mixed and subject to various interpretations. Yes, much legislative and policy progress re privacy rights occurred before 9/11 (for example the 1986 Consumer and Privacy and Protection Act) and an explosion of legislation at the local and state levels.<sup>17</sup> But even much of the progress could be dismissed as a fig leaf thrown by corporations and government to an aroused public, but still with a strong tilt toward the status quo, exemptions and minimal liability and enforcement provisions. Yes, after 9/11 there was the Total Information Act and the Patriot Act. But the former was abandoned (sort of), NSA monitoring of meta-data curtailed and some of the more onerous parts of the Patriot

Act reigned in. In 2008 we also saw President Bush sign the important pro-privacy Genetic Nondiscrimination Act.

Regardless of how one views it, acknowledgment of the complexity and competing views of the topic is needed for classroom use. Even for the general reader, I'd offer a qualification such as, "After 9/11 many observers saw things falling apart, while others were less sanguine about progress up even to that point. A strong position on the better or worse issue is unwarranted, absent specifying the various dimensions of privacy and surveillance, and the current mixed status of civil liberties as seen by legislatures and courts."

The book is about what is done to less powerful others,—the poor, minorities, workers, customers, children and dissenters. But whatever their relative disadvantage, they are not the passive automatons of the social control engineer's stereotypes. The book suggests the possibility of reciprocity in asking, "Can the people survey and track what their leaders are doing? (p. 116)" Whether individually, or in political opposition, people act back. Indeed the book is guided by the hope expressed in Ralph Nader's introduction that awareness will lead to challenges. Additional material could help to combat a sense of hopelessness and guide those wanting to learn about the correlates and careers of successful challenges. The only mention of a reform is the creation of the National Labor Relations Board that brought some protections in hiring, firing and for strikers. The satirical Surveillance Camera Players artistic challenge is also mentioned. But more is needed for classroom use.<sup>18</sup>

In the context of European history and the U.S. in particular, the trajectory is long and riddled with ebbs and flows (sometimes surges), forward and backward steps, even as it gradually tilts toward the expansion of rights for minorities, workers, women, children, homosexuals, the transgendered, criminal suspects, persons with disabilities and the civil liberties of all citizens.

Some reference to histories of reform and civil liberties tracing their gradual spread (at least until the advent of computerization) would be helpful.<sup>19</sup> This would locate the book in a broader context and might temper conclusions about the imminent arrival of dystopia, while also acting as a corrective for those in denial of the mixed moral meanings of American history. In addition, some reference to the export of American developed (or inspired) hard and software technology for controlling dissent in places such as Russia, China, North Korea and Iran, let alone in developing countries, would help further situate the issue as a social and comparative problem.<sup>20</sup>

By way of illustration and suggestive of the challenges to facile conclusions, consider the complexity of assessing efforts to intercept and protect just one form—telecommunications—that began in mid-nineteenth century.<sup>21</sup> One measure of change is the time that elapses between a technology being used and efforts to rein it in. Among some recent examples, cordless and cell phone communication and e-mail could be legally intercepted until the passage of the Privacy Protection Act in 1986. The sending of junk fax and automated phone dialing was prohibited not long after. Or consider the

relatively short time between the commercial availability of DNA testing for insurance and employment and the passage of the Genetic Information Nondiscrimination Act. The speed of recent legislation is noteworthy, considering that it took almost a century to significantly restrict wiretapping.

A review illustrates the difficulty in reaching an overall conclusion about whether the protection of personal communications (as a proxy illustrative of the wide range of surveillance fields) has expanded or contracted.<sup>22</sup> Reaching strong conclusions requires measures of absolute and relative data for multiple forms and settings of communication, with particular attention to time lags, displacement, and the appearance of functional alternatives.

In short, within democratic societies over the past half century there has been something of a rough moving equilibrium (but, to be sure, with jagged lines up and down) between the availability and protection of personal information. The fluid patterns and changing forms of personal data collection and protection and the diverse interpretations that can be applied to them ought to slow (although not put an end to) broad generalizations about where society is headed and whether this is for good or bad, absent clear definitions of the forms and time periods.

4) Other statements seem outright wrong, absent qualification and references:

"law enforcement and protestors hold very different attitudes about political activity and whether government surveillance in politics is justified." (p.87)

"No effort was made [by control agents re the occupy movement] to analyze the variety of political perspectives within the movement...the many voices and disagreements." (p. 101)

While there are some shared attitudes and differences within each group, on the average, law enforcement and protestors differ as to *when* government surveillance in politics is justified. In the passions of the moment control agents (particularly those on the street facing insults and in fear of bodily harm) may lump all protesters together as dangerous foes in need of control, rather than as citizens with varying political views with a right to protest.—A right that police are legally and morally required to protect. While protesters feeling they are denied basic rights and are under attack may respond in self-defense or, more angrily in retaliation.

Certainly the crude Hoover era and 1960s pattern of fearing and stereotyping protesters in the broadest terms as enemies and outsiders bent only on revolution and/or destruction is not ancient history. Yet with more diverse and much better educated control agents, particularly intelligence analysts, such views have been moderated. We see that with the emergence of the negotiated management style of protest policing.<sup>23</sup> There is variety among those in law enforcement and national security, just as there is among protesters. One of the great challenges in the current period is to be able to differentiate those who come peacefully (no matter how angry) to protest and even to engage in civil disobedience, from those with other, or additional, motives to loot and

engage in violence.<sup>24</sup> Of course with provocation and/or opportunity some of the former may morph into the latter.

5) Statements that appear to be factual are made without additional explanation, context or documentation:

"Surveillance also relied on unreliable forms of 'behavioral detection'. Police view people with suspicion based on their appearance" (p.95)

Yet, behavioral detection is used in part as a way of avoiding profiling based on race and ethnicity. Rather than using the word "appearance", it would be better to say "suspicion based on observed behavior". A citation to research on the topic finding that it is "unreliable" would be useful, if it exists. In a quick check I did not find support for that conclusion.<sup>25</sup> Statements about unreliability need to specify the frame of reference—"unreliable" with respect to what?—other means of insuring airport safety, false negatives or positives? In addition, in a symbols-rich world reliability is not the only criteria.

In previous work with colleagues I strongly argue for caution in over-selling efforts to engineer social control through technology and to reflect on what it means to conclude that a tactic "works" or is "effective".<sup>26</sup> Situational variation and the variety of criteria for evaluation often confound simple conclusions.

Even assuming a tactic will be defined as constitutional or otherwise legal, to then only emphasize whether or not it is effective, misses something important. Just because there is a legal right to do it (at least as currently interpreted by those with the power to interpret) does not mean that it is right. An undue reliance on pragmatism ignores morality (e.g., failure to question water-boarding or rendition, even if they were seen as legal and effective—which they are not). New technologies too often bootleg in an unseen and therefore unreflected upon deferral to instrumentality as the preeminent value. This serves to divorce action from accountability. Bauman's concept of *adiaphorization* in which the halo of recondite technologies serve to divorce ethics from the actions taken applies.<sup>27</sup>

In its place, utilitarianism must have a major place. But with that comes the need to think deeply about what *standards* are used to judge impact. Consider the following quote in the book from a federal judge:

"In fact, the NSA's mass surveillance has proven ineffective in finding terrorists. As a federal judge [no identifying reference] found, the NSA stopped not one imminent attack or 'otherwise aided the government in achieving any objective that was time-sensitive.' " (p.86)

EDITOR PLEASE NOTE P.86 REFERS TO THE BOOK BEING REVIEWED HERE, DO NOT MAKE AS REFERENCE TO THE OTHER GREENBERG REFERENCE, KEEP AS IS. THANKS.

Stopping an imminent attack, or meeting a time-sensitive objective are not the only factors to be considered with respect to a tactic. It is at least possible that awareness of surveillance stopped, or slowed some attacks, or upped the costs for terrorists. Prevention and its dimensions come through various paths and there are connections between various types of intel. Surveillance might have generated information useful for other important lawful purposes. Those deep within the workings of the surveillance state are aware of things prevented, or that were lessened in the damage caused, or that made for improved intelligence analysis that never become public (which even insulated leaders in nice air-conditioned offices in Washington DC may be unaware of).

Those with a defensive mindset such as security guru Rocky Bottoms might well say, "yes, nothing major has been directly stopped *yet*."<sup>28</sup> But just because an imminent attack has not been prevented, that does not mean it would not be prevented in the future. We may need an expensive insurance policy to guard against low probability risks that would have catastrophic consequences. National security interests precludes my offering more detail. Just trust us."

However that open ended, escape clause justification can never be disproved and can be easily misused to waste resources that would be better used elsewhere. The question of where might resources be put if they are taken from a surveillance that seems ineffective must also be considered. Maybe nothing will work very well. Assuming legality and ethicality, we then ask what is the least bad alternative and should the perfect be the enemy of the pretty good?

The book's title "The Machine Never Blinks" was likely inspired by Alan Pinkerton's<sup>29</sup> iconic image of an eye with the words "we never sleep" beneath it. In both cases these suggest indomitability, omnipresence and reliability. But in fact, while the machine may never blink, dust in its the eye can distort vision and the machine can break. Even without blinking, it can't always see in the dark or through lead shields and sometimes the power goes off. Human eyes are also fallible and the blending of men and machines may compound the worst feature of both.<sup>30</sup> As well, monkey wrenches can be thrown, or fall into, the machine, not to mention a variety of other confounding factors beyond resistance such as incompetence, the corruption of agents and dynamic environments. Marx and Guzik identify five forms of *the uncertainty principle* as applied to the failures and unintended (and often unexpected) outcomes of surveillance and other tools.<sup>31</sup>

Consistent with the book's calling attention to the less than perfect scorecard of high tech spying tools, it is well to note that both Kacynski and Bin Laden were stopped as a result of low-tech informer's accounts. Kacynski's brother turned him in and an informer was also central to the demise of Osama Bin Laden. Human intelligence did what massive electronic surveillance on a hitherto unprecedented scale had been unable to do.

These examples and the book more broadly require reflection on the question of why, and by what standards, might informing, and hi-tech spy tools be judged. Why, for

example, do fair-minded persons now recoil from the wiretapping of the Democratic National Committee by Nixon's plumbers, the FBI's wiretapping of Martin Luther King and the infiltration and provocation experienced by Vietnam War and so many other protesters? Why do most persons *not* recoil from surveillance tactics used against organized crime, the Klan or the Birmingham church bombers? Righteous indignation and reform were called for in those cases because of the relative *absence*, not the *presence* of, surveillance. Here we see the general failure of law enforcement establishments (particularly under Hoover), to more aggressively pursue the serious crimes of those groups. For the reader seeking a fuller account (rather than for the change advocate seeking to arouse citizens), the story is incomplete without consideration of such questions.

*That's All Folks*

EDITOR: PLEASE KEEP THE SUB HEAD IN ITALICS, THAT REFERS TO THE DISNEY CARTOONS THAT ALWAYS ENDED THAT WAY. THANKS.

The last chapter raises vital questions, "is surveillance for security or control?", and "who watches the watchers?" But, while the text implicitly answers "control" and "no one", there is no further discussion. Six books are listed in the reference section, including Dan Solove's<sup>32</sup> excellent treatment of privacy and security, but that is hardly enough. A central question that I wish the book had at least raised is, "how should competing risks, costs and gains be measured and weighed, and what should be done to lessen abuses and increase positive outcomes?"

In concluding the book Greenberg expresses the hope that "...graphic novels can lead the way to inform, and transform, the public's understanding of the perils of living in a surveilled world." (p. 130) Indeed and amen! But understanding the perils is only the first step. While books such as this regarding the abuses of those in law enforcement and national security may inspire awareness and indignation that is not enough. Ideally, if perils are to be reduced that awareness must translate into policies that face the complexity of the topic with its abundant haze, tradeoffs and varied contexts and uses.<sup>33</sup>

EIDTOR: PLEASE KEEP P.130 ABOVE AS IS REERS TO BOOK UNDER REVIEW. THANKS.

It is important to expose the inadequacies of those whose imaginations are set boiling with what Edward Shils called "excited apprehension". Yet, for scholars and intelligence analysts in a democracy grounded in empiricism, pragmatism and logic who seek truth in its least varnished forms, it is also important to be aware of one's own taken for granted intellectual and professional positions and unexamined assumptions. Those so clearly seeing the abuses from information technology, too often fail to appreciate the advantages of technology, the virtues of community, and the risks of anarchy.

Beyond the information age techno-fallacies of those passionately advocating unleashing technology on behalf of order<sup>34</sup>, those calling for restraint must be aware of

fallacies they may hold. These include beliefs such as: the fallacy that with new technologies the sky is falling or the apocalypse approaching; that if you can imagine bad things happening, they surely will; that privacy is an unlimited good; that privacy is primal and ought to take precedence over other values; that because something failed to work in the past, it will in the future or that it can't be fixed; that technology is always the problem and never the solution; and that technology can only be used to cross informational borders rather than to protect them.

### Protection by and from Surveillance

The book compactly illustrates the ever present temptations to misuse power and the new potentials to do so offered by information technology. It can educate new generations about the history of intelligence abuses and the astoundingly intrusive and unseen potentials of the new surveillance to smash heretofore succinct borders. As well, the sweeping cavalcade of violations and the book's warnings can remind those whose memories dim with aging, that attention must be paid.

Yet borders have multiple consequences,—keeping in and keeping out. Privacy borders, and anonymity more broadly, are central to maintaining human dignity and democracy. Yet, privacy borders can also protect dastardly deeds done in the dark, even as surveillance as accountability in crossing those borders may reveal such deeds. In a democratic society this duality gives crossing or protecting borders, and maintaining or challenging social order, their ironic vulnerability and moral complexity.

Such a society, to paraphrase James Madison needs to be protected both from, and by, surveillance and that needs expansion to the private sector and individuals, in addition to government. The issue being when, where and who decides, and for what reasons, that borders may, should or must be crossed or protected and by what standards? Such questions are central to this welcome book's illustrations. Values that should inform the answers include creating a *positive information society* based on fairness, dignity, care, openness, trust, proportionality, security, autonomy and communality with continued awareness of the power imbalances unreconstructed surveillance can bring.<sup>35</sup>

As a 1960s civil rights statement claims, "freedom is a constant struggle." Liberty is indeed ever precarious and knows no permanent victories. In bringing the news to the unaware or complacent, the book is a small step in a never ending struggle. It is a reminder with Sinclair Lewis and Philip Roth not only that *it could* happen here, but that recently some strands of it, rather than abating, are increasing.<sup>36</sup>

### References

Bauman, Z. and Lyon, D. (2013) *Liquid Surveillance*. Polity Press.

Boetie, E., (1997) *The Politics of Obedience: The Discourse of Voluntary Servitude*. Black Rose Books.



- Brunton, F. and Nissenbaum, H. (2013) *A User's Guide for Privacy and Protest*. Cambridge, Ma.:MIT Press.
- Brandeis, L. (1914) *Other People's Money*.
- Buckley, C. and Mozur, P. (2019) "How China Uses High-Tech Surveillance to Subdue Minorities", *N.Y.T.* May 22,
- Byrne, J., Marx, G. (20-11) "Technological Innovations in Crime Prevention and Policing," *Cahier Politie Studies* 3 (20).
- Chertoff, M. (2018) *Exploding Data Reclaiming our Cyber Security in the Digital Age*. New York: Atlantic Monthly Press.
- Corbett, R. , Marx, G. (1991). "No Soul in the New Machine: Techno-Fallacies in the Electronic Monitoring Movement," *Justice Quarterly* 8 (3).
- Davis, et al (2013). *Using Behavioral Indicators to Help Detect Potential Violent Acts: A Review of the Science Base*. RAND Corporation, National Defense Research Institute.
- De Sola Pool , I. (1983) *Technologies of Freedom*. Cambridge: Harvard University Press.
- Duignan, B. (2020) "What Is Jeremy Bentham's "Auto-Icon"?" <https://www.britannica.com/story/what-is-jeremy-benthams-auto-icon>
- Elull, J. (2005) *Jacques Ellul on Politics, Technology and Christianity*. Eugene: Wipf & Stock.
- Etzioni, A. (2015) *Privacy in a Cyber Age*. Palgrave.
- Fromm, E. (1955) *Escape From Freedom*. (Rinehart and Winston 1955).
- Gilham, P., Noakes, J. 2007. "More Than a March in a Circle: Transgressive Protests and the Limits of Negotiated Management" *Mobilization*. 12 (4).
- Gillham, P., Marx, G. (2000) "Complexity and Irony in Policing and Protesting: The World Trade Organization in Seattle". *Social Justice* 27 (2).
- (2018). "Changes in the Policing of Civil Disorder since the Kerner Report: The Police Response to Ferguson August 2014 and Some Implications for the Twenty-First Century". *Russell Sage Journal of the Social Sciences*. 4 (6).
- Greenberg, I. (2010) *The Dangers of Dissent: the FBI and Civil Liberties since 1965*. Rowman and Littlefield

—————(2012) *Surveillance in America Critical Analysis of the FIB, 1920 to the Present*. Routledge.

Haggerty, K. D., & Ericson, R. V. (2000). The surveillant assemblage. *British Journal of Sociology*, 51(4).

Harding, J.M. (2018) *Performance, Transparency, and the Culture of Surveillance*. Ann Arbor: Univ of Michigan Press.

Hoffer, E. (2011) *The True Believer*. New York: Harper Collins.

Hofstadter, R. (1965) *The Paranoid Style in American Politics and Other Essays*. New York: Knopf.

Hudson, M. (2016) "What Will Surveillance in the Future Look Like?" *The Atlantic*. Nov. 2016.

Huxley, A. (1969) *Letters of Aldous Huxley*. Edited by Grover S. Huxley. New York: Harper and Row.

Kraska, Peter B. (2007). "Military and policing—Its relevance to 21st century police." *Policing: A Journal of Policy and Practice* 1, no. 4: 501–13.

Lewis, S. (1935) *It Can't Happen Here*. New York: Doubleday, Doran and Co.

Macnish, K. (2017). *The Ethics of Surveillance*. Routledge.

Mann, S. Nolan, J. and Wellman, B. (2003) "Sousveillance: Inventing and Using Wearable Computing Devices for Data Collection in Surveillance Environments" *Surveillance and Society* 1. No. 3.

Marx, G.T. (1972) *Muckraking Sociology Research as Social Criticism*. Transaction Books: New Brunswick.

Marx, G.T. (2002) "What's New About the New Surveillance: Classifying for Continuity and Change" *Surveillance and Society*. 1(1).

Marx, G.T. (2006) "Soft Surveillance: The Growth of Mandatory Volunteerism in Collecting Personal Information – 'Hey Buddy Can You Spare a DNA?'" In *Surveillance and Security*, edited by T. Monahan. Routledge.

——— (2009) "[A Tack in the Shoe and Taking Off the Shoe: Neutralization and Counter-Neutralization Dynamics](#)". *Surveillance and Society* 2009. Vol. 6, No. 3.

——— (2015) "Technology and Social Control: The Search for the Illusive Silver Bullet" in *Encyclopedia of Social & Behavioral Sciences*, 2nd Edition, edited by J.D. Wright. Elsevier.

———(2017a) *Windows Into the Soul: Surveillance and Society in an Age of High Technology*. Chicago: Univ. of Chicago Press.

———Marx, G.T. (2017b) "Review: Intelligence and Information Policy for National Security". *Secrecy and Society*, Vol. 1, no. 2.

Marx, G.T., Guzik, K. (2017) "The Uncertainty Principle: Qualification, Contingency, and Fluidity in Technology and Social Control" in M. McQuire, *Handbook of Technology, Crime and Justice*. Routledge.

McCarthy, J., McPhail, C., Crist, J. (1999). "The Diffusion and Adaptation of Public Order Management Systems" in Della Porta, D., Kriesi, H. and Rucht, D. *Social Movements in a Globalizing World*. Palgrave: London.

National Academies (2006) *Engaging Privacy and Information Technology in a Digital Age: Issues and Insights*. Washington, DC: National Academies Press.

Rotenberg, M., Horwitz, J. Scott, J. (2015) *Privacy in the Modern Age*. The New Press: New York.

Roth, P. (2004) *The Plot Against America*. New York: Houghton Mifflin.

Schneier, B. (2016) *Data and Goliath*. New York W.W. New York: Norton.

Scott, J.C. (2016) *Weapons of the Week* New Haven: Yale University Press.

Smith, R. (2013) *Compilation of State and Federal Privacy Laws*. Providence, R.I.: Privacy Journal.

Solove, D. (2016) *Privacy and Security Nothing to Hide: The False Tradeoff Between Privacy and Security*. New Haven: Yale University Press, 2011.

Walker, S. (1998) *The Rights Revolution*. Oxford University Press.

Warren, S., Brandeis, L. (1890) "The Right to Privacy" *Harvard Law Review* 4, no.5.

---

<sup>1</sup> Superman, <http://quotegeek.com/quotes-from-movies/superman/6764/>; Moulton, [https://www.brainyquote.com/quotes/william\\_moulton\\_marston\\_205460](https://www.brainyquote.com/quotes/william_moulton_marston_205460); Ellul, J., *Jacques Ellul on Politics, Technology and Christianity*. Eugene: Wipf & Stock. (2005).

<sup>2</sup> A review of Jan Goldman and Susan Maret's dictionary on intelligence --Marx, G.T. "Review: Intelligence and Information Policy for National Security". *Secrecy and Society*, Vol. 1, no. 2. 2017.

<sup>3</sup> I. Greenberg, *The Dangers of Dissent: the FBI and Civil Liberties since 1965*. Rowman and Littlefield, (2010); *Surveillance in America Critical Analysis of the FIB, 1920 to the Present*. (New York: Routledge).

<sup>4</sup> Hudson, M. (2016) "What Will Surveillance in the Future Look Like?" *The Atlantic*. Nov. 2016.

<sup>5</sup> The book suggests that a factor in Kaczynski's behavior may be tied to his having been a student subject in the CIA's MKULTRA experiments. A nice thesis is waiting there in following up on the consequences for other students exposed to the isolation, sensory deprivation and abuse of the experiments.

<sup>6</sup> "You may recall your former tutor Aldous Huxley wrote you about that in 1949, 'Within the next generation I believe that the world's rulers will discover that infant conditioning and narco-hypnosis are more efficient as instruments of government, than clubs and prisons, and that the lust for power can be just as completely satisfied by suggesting people into loving their servitude as by flogging and kicking them into obedience. In other words, I feel that the nightmare of *Nineteen Eighty-Four* is destined to modulate into the nightmare of a world having more resemblance to that which I imagined in *Brave New World*. The change will be brought about as a result of a felt need for efficiency'" [and as viewed 60 years later, we can add seduction and fear]. Huxley, A. *Letters of Aldous Huxley*. Edited by Grover S. Huxley. New York: Harper and Row. (1969) More than 400 years ago Boetie, one of the giants we stand upon, called this "voluntary servitude", revised today to include "mandatory voluntarism." Boetie, E., *The Politics of Obedience: The Discourse of Voluntary Servitude*. Black Rose Books. (1997)

<sup>7</sup> While the iron fist may be wrapped in more layers of velvet, it is hardly absent. There has been a softening of control (Marx, G.T. 2016, *Soft Surveillance: The Growth of Mandatory Volunteerism in Collecting Personal Information—"Hey Buddy Can You Spare a DNA?"* in T. Monahan, (ed.) [Surveillance and Security: Technological Politics and Power in Everyday Life](#), Wilan, 2006. But note also in some ways a hardening as well with SWAT teams and military hardware and tactics discussed in Kraska, Peter B. (2007). "Militarization and policing—Its relevance to 21st century police." *Policing: A Journal of Policy and Practice* 1, no. 4: 501–13).

<sup>8</sup> See for example B.C. Newell, *Police On Camera*. New York: Routledge, 2020.

---

<sup>9</sup> For example the work in De Sola Pool , I. (1983) *Technologies of Freedom*. Cambridge: Harvard University Press.

<sup>10</sup> However with respect to another dimension of privacy (personal information control) Brandeis took a different position in arguing that there is a human and legal right to privacy in Warren, S., Brandeis, L. (1890) "The Right to Privacy" *Harvard Law Review* 4, no.5. This was partly in response to his displeasure at having a photo of his private garden party appear immediately after in the newspaper. This was an early example of how technical developments impinge on life and law, it became possible only because of the development of high speed photography.

<sup>11</sup> Duignan, B. (2020) "What Is Jeremy Bentham's "Auto-Icon"?" <https://www.britannica.com/story/what-is-jeremy-benthams-auto-icon>

<sup>12</sup> Personal communication.

<sup>13</sup> Hoffer, E. (2011) *The True Believer*. New York: Harper Collins.

<sup>14</sup> Hofstadter, R. (1965) *The Paranoid Style in American Politics and Other Essays*. New York: Knopf.

<sup>15</sup> Gary T. Marx, *Windows Into the Soul: Surveillance and Society in an Age of High Technology* (Chicago: University of Chicago Press, 2017).

<sup>16</sup> I have been in a wrestling match with this issue for more than 50 years from writing on muckraking sociology to a recent appendix on the role of values in studying and reaching conclusions about surveillance. Marx, G.T. (1972) *Muckraking Sociology Research as Social Criticism*. Transaction Books: New Brunswick and Marx, G.T. *Windows Into the Soul: Surveillance and Society in an Age of High Technology* (Chicago: University of Chicago Press, 2017) pp. 323-326). Among aspects covered --writing about the role of research in social change and the tensions between passion, what you know in your heart is morally right, believe might inspire others (both an aroused public and leaders) to act and valuing facts (to the extent that they can be known) regarding complex and complicated topics that often involve tradeoffs, embedded values, imperfect perception and the intermingling of empirical and moral contradictions. Among all this there is a time to act, whether as a chronicler or moral witness, (what Raymond Aron termed a 'spectateur engage') or more directly. Fence sitters can get splinters and worse, and not to be part of the solution is to be an accessory. As the man said, doubt, but doubt your doubts.

<sup>17</sup> Smith, R. (2013) *Compilation of State and Federal Privacy Laws*. Providence, R.I.: Privacy Journal.

But more is needed, such as work by Scott, J.C. (2016) *Weapons of the Weak*, New Haven: Yale University Press; Brunton, F. and Nissenbaum, H. (2013) *A User's Guide for Privacy and Protest*. Cambridge, Ma.: MIT Press; Harding, J.M. (2018) *Performance, Transparency, and the Culture of Surveillance*. Ann Arbor: Univ of

---

Michigan Press. Consider also the many articles on resistance in *Surveillance and Society* such as by Mann, S. Nolan, J. and Wellman, B. (2003) "Sousveillance: Inventing and Using Wearable Computing Devices for Data Collection in Surveillance Environments" *Surveillance and Society 1. No. 3* and Marx, G.T. (2009) "[A Tack in the Shoe and Taking off the Shoe: Neutralization and Counter-Neutralization Dynamics](#)". *Surveillance and Society* 2009. Vol. 6, No. 3.

<sup>19</sup> For example Walker, S. (1998) *The Rights Revolution*. Oxford University Press.

<sup>20</sup> Consider for example the astoundingly comprehensive and fulsome surveillance system directed against suppressing dissent among China's minority Uighur Muslims. Buckley, C. and Mozur, P. (2019) "How China Uses High-Tech Surveillance to Subdue Minorities", *N.Y.T.* May 22.

<sup>21</sup> Discussed in Marx, G.T. "What's New About the New Surveillance: Classifying for Continuity and Change" *Surveillance and Society*. 1(1). 2002.

<sup>22</sup> Gary T. Marx, *Windows into the Soul: Surveillance and Society in an Age of High Technology* (Chicago: University of Chicago Press, 2017), pp. 306-308.

<sup>23</sup> See for example McCarthy, J., McPhail, C., Crist, and J. (1999). "The Diffusion and Adaptation of Public Order Management Systems" in Della Porta, D., Kriesi, H. and Rucht, D. *Social Movements in a Globalizing World*. Palgrave: London; Gillham, P., Noakes, J. 2007. "More Than a March in a Circle: Transgressive Protests and the Limits of Negotiated Management" *Mobilization*. 12 (4); and Gillham, P. And Marx, G.T. (2018), "Changes in the Policing of Civil Disorder since the Kerner Report: The Police Response to Ferguson August 2014 and Some Implications for the Twenty-First Century". *Russell Sage Journal of the Social Sciences*. 4 (6).

<sup>24</sup> Gillham, P., Marx, G.T. (2000) "Complexity and Irony in Policing and Protesting: The World Trade Organization in Seattle". *Social Justice* 27 (2).

<sup>25</sup> Davis, et al (2013). *Using Behavioral Indicators to Help Detect Potential Violent Acts: A Review of the Science Base*. RAND Corporation, National Defense Research Institute. Better to say, "with this tactic police are encouraged to view people with suspicion based on their behavior (e.g., nervousness, sweating, and inappropriate dress) rather than their physical appearance)"

<sup>26</sup> Corbett, R., Marx, G. (1991). "No Soul in the New Machine: Techno-Fallacies in the Electronic Monitoring Movement," *Justice Quarterly* 8 (3); Byrne, J., Marx, G. T. (20-11) "Technological Innovations in Crime Prevention and Policing," *Cahier Politie Studies* 3 (20); (2015) G.T. Marx, "Technology and Social Control: The Search for the Illusive Silver Bullet" in *Encyclopedia of Social & Behavioral Sciences*, 2nd Edition, edited by J.D. Wright. Elsevier.

<sup>27</sup> Bauman, Z. and Lyon, D. (2013) *Liquid Surveillance*. Polity Press.

---

<sup>28</sup> Mr. Richard “Rocky” Bottoms is a composite, fictional, law and order character reflecting the fearful, risk adverse, techno-surveillance world view of some who cross back and forth between the national security and crime control worlds of government and the private sector. (Marx *Windows*, pp.242-263).

<sup>29</sup> There is no mention of the more nefarious of Pinkerton's activities in strike breaking, nor in an illustration of the double-edged sword quality of surveillance, of his use of surveillance skills to discover an earlier plot to kill Abraham Lincoln.

<sup>30</sup> The observations of Erich Fromm apply here: "The danger of the past was that men became slaves. The danger of the future is that men may become robots.... Men are increasingly automatons, who make machines which act like men and produce men who act like machines; their reason deteriorates while their intelligence rises, thus creating the dangerous situation of equipping man with the greatest material power without the wisdom to use it." Fromm, E. (1955) *Escape from Freedom*. Rinehart and Winston.

<sup>31</sup> Marx, G.T., Guzik, K. (2017) "The Uncertainty Principle: Qualification, Contingency, and Fluidity in Technology and Social Control", in M. McQuire, *Handbook of Technology, Crime and Justice*. Routledge. The five forms of *the uncertainty principle* as applied to surveillance (and other tools) are uncertainties of *functioning* (does a tool operate technically as designed?), *goals* (can it be used for the purposes other than those for which it was designed?), *consequences* (will it produce unintended consequences?), *context* (how do social contexts shape how the tool is used) and *environment* (will it function in adverse weather or cultural conditions?).

<sup>32</sup> Solove, D. (2016) *Privacy and Security Nothing to Hide: The False Tradeoff between Privacy and Security*. New Haven: Yale University Press, 2011.

<sup>33</sup> Some helpful sources here include: National Academies (2006) *Engaging Privacy and Information Technology in a Digital Age: Issues and Insights*. Washington, DC: National Academies Press; Rotenberg, M., Horwitz, J. Scott, J. (2015) *Privacy in the Modern Age*. The New Press: New York; Schneier, B. (2016) *Data and Goliath*. New York W.W: Norton; Chertoff, M. (2018) *Exploding Data Reclaiming our Cyber Security in the Digital Age*. New York: Atlantic Monthly Press and Etzioni, A. (2015) *Privacy in a Cyber Age*. Palgrave.

<sup>34</sup> Marx (*Windows* pp.270-273) identifies 44 such fallacies and discusses fallacies of some privacy advocates. Brief mention is made as well of questionable assumptions of many academics: the fallacy of risk-free Monday morning quarterbacking; the fallacy of the overly broad academic generalization; the fallacy of using Ockham's razor to nit-pickingly slice the world into too many categories; the fallacy of unduly timid waffling (the Nero-Libra “I like to watch” fallacy) in the face of complexity and always imperfect data; and failing to specify how the empirical within the value might be assessed.

---

<sup>35</sup> I identify a series of focused questions under 9 categories (such as initial conditions, means, goals, subject's rights and resources, and data protection and fate) to judge surveillance, whether a specific tactic in general or its direct application in a given case. (Marx, *Windows* pp. 279-283). Kevin Macnish (*The Ethics of Surveillance*. Routledge 2017) considers ethical principles to be applied in considering surveillance and the varied contexts in which it is found.

<sup>36</sup> Lewis, S. (1935) *It Can't Happen Here*. New York: Doubleday, Doran and Co.; Roth, P. (2004) *The Plot Against America*. New York: Houghton Mifflin.